**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 2814 OF 2005**
**IN**
**FIRST APPEAL NO.1174 OF 2005**

Jaiprakash H. Bagaria & Anr. .. Applicants

Vs.

Arjunlal Chaganlal Shah .. Respondent

Mr.P.S.Dani for the Applicants.
Mr.S.M.Oak for the Respondent.

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**CORAM : DR.S.RADHAKRISHNAN,J.**

**DATE : 17TH JULY,2006.**

**P.C.:**

. Mentioned not on board.

1. Rule. Rule is made returnable forthwith. Heard the learned Counsel for the parties. The above Appeal has already been admitted. Perused the Civil Application as well as the impugned order dated 5th March, 2005 passed by the learned Trial Court. Mr.Dani, the learned Counsel for the Applicants states that as indicated in the Trial Court's order, the amount of damages would come approximately to Rs.3,11,000/- and his client is ready and willing to deposit an amount of Rs.3,11,000/-. Having regard to the facts and circumstance, the Applicants are directed to deposit a sum of Rs.3,25,000/- within a period of eight weeks from today. Under these facts

and circumstances of the case, this Civil Application is made absolute in terms of prayer clause (a), subject to the condition that the Applicants will deposit a sum of Rs.3,25,000/- in the Trial Court, within a period of eight weeks from today. The learned Counsel for the sole Respondent seeks leave to withdraw the aforesaid amount. The Respondent is permitted to withdraw the same on furnishing a security to the satisfaction of the Trial Court.

2. Parties to act on the copy of this order duly authenticated by the Personal Assistant of this Court.

**(DR.S.RADHAKRISHNAN,J.)**